

RECEIVED
CENTRAL FAX CENTER

10/531,490

OCT 27 2006

REMARKS

The objection raised with respect to the Abstract of the Disclosure is overcome by the newly entered Abstract in this case. If any amendment to this Abstract is believed necessary, the Examiner is invited to contact the undersigned to discuss the proposed change(s) to the same.

The above newly amended paragraphs of the specification overcome the misuse of the trademark within the specification on file. The undersigned avers that the newly amended paragraphs of the specification do not contain any new subject matter.

Next, claims 14-26 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

Claims 14-17 are then rejected, under 35 U.S.C. § 102(b), as being anticipated by Kelsey '261. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Kelsey '261 relates to an ammunition projectile for a firearm which has a conical nose and a cylindrical cap, and this nose has a plurality of curved ribs 20 extending radially from a curved annular surface 17. These ribs 20 provide a plurality of sharp edges producing severe cuts and lacerations in a target (see column 2, lines 40-44) and more optimal penetration capability of the bullet into barrier and target mediums (see column 2, lines 48-50). In addition, the design of the Kelsey '261 projectile also offers less atmospheric resistance to the projectile during flight thereof.

Accordingly, it is respectfully submitted that the purpose of the Kelsey '261 projectile is to cause as much damage to the target as possible. As such, the specific teachings of

10/531,490

Kelsey '261 are distinctly different from that of the present application. That is, the projectile according to Kelsey '261 is the complete opposite to the presently claimed projectile.

As taught in Kelsey '261, the nose of the projectile has a completely different geometry than that of the presently pending claims. According to Kelsey '261, the nose has a curved surface 17 from which extend a series of ribs 20 which curves about the length of the nose thus giving the projectile a rotational spin as the projectile travels through the air. The Applicant asserts that the grooves, formed by the ribs and the curved surface, are not in any way symmetrical about a plane defined by the axis of the projectile and an uppermost point of the groove. Additionally, these ribs meet the curved surface at right angles, as can be seen in FIG. 2A. Whereas, the projectile has concave hollow areas or indentations formed in the face of the nose. Thus, the aerodynamics effects of Kelsey '261 the complete opposite from the aerodynamics effects of the presently claimed projectile. With the Kelsey '261 projectile, the air flow slides along the curved surface, between the ribs, increasing the speed of the projectile, while the air flow for the projectile according to the presently pending claims is slowed down, by the hollow areas or indentations, thereby decreasing the speed of the projectile as the projectile travels through air.

The presently claimed projectile provides limited penetration into a soft medium while a non-aerodynamic design of the projectile still does not significantly alter the precision of the projectile trajectory. This precise trajectory is due to the symmetry of each hollow area or indentation from an axial plane and to the regularly spaced hollow areas or indentations around the central axis of the projectile, as presently claimed.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, the independent claims of this application now recite the features of an ammunition projectile 10, 20, for a firearm, having diminished penetration into a soft medium. The projectile 10, 20 comprises at least two indentations 14, 24 as well as the specific limitations concerning the shape of the indentations. The presently claimed projectile, during trajectory of the projectile through air, is sufficiently slowed so as to diminish penetration of the

00700-22074

- 10 -

10/531,490

projectile into a soft medium without significantly altering a trajectory precision of the projectile. Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

In view of the forgoing distinctions and arguments, the Applicant respectfully submits that the presently claimed invention is patentable in view of Kelsey '261 and the raised 35 U.S.C. § 102(b) rejection in view of that citation should be withdrawn at this time.

Lastly, claims 18-26 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Kelsey '261 in view of Moser '769, Brooks '320 and/or Corzine '100. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

The Applicant acknowledges that the additional references of Moser '769, Brooks '320 and/or Corzine '100 may arguably relate to the features indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of Kelsey '261 with this additional art of Moser '769, Brooks '320 and/or Corzine '100 still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of the raised rejections in view of Kelsey '261, Moser '769, Brooks '320 and/or Corzine '100 should be withdrawn at this time in view of the above amendments and remarks.

Notwithstanding the forgoing, the Applicant further notes that Moser '769 relates to an inert projectile without powder, having an internal cavity closed by a screw to modify the center of gravity of the projectile with regard to the position of this screw. According to the presently claimed invention, the internal cavity 15 allows the nose to deform at the moment of the impact and the blocking means 16 allows the projectile to resist the high pressure generated by gun powder combustion.

Corzine '100 relates to a projectile with soft lead core coated with a soft copper jacket which is designed to deform itself causing improved tissue damage in soft body (see column 2,

BEST AVAILABLE COPY

10/531,490

line 16). In complete contrast, the presently claimed projectile is monolithic and is not intended to cause extensive damage as specifically taught by Corzine '100.

If any further amendment to this application is believed necessary to adequately distinguish over the art of record in this case and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Kelsey '261, Moser '769, Brooks '320 and/or Corzine '100 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

10/531,490

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis & Bujold, P.L.L.C.
112 Pleasant Street
Concord, NH 03301-2931
Telephone 603-226-7490
Facsimile 603-226-7499
E-mail: patent@davisandbujold.com